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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,204	06/01/2006	Koichi Machida	2006_0738A	2331
52349 7590 04/29/2009 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
EXAMINER				
KHAN, ASHER R				
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2621				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/581,204

Applicant(s)

MACHIDA, KOICHI

Examiner

ASHER KHAN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-893)
Paper No(s)/Mail Date 06/01/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 2, and 5-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,805,215 to Mizoguchi.**

As to claims 1, 10, 11 and 12, Mizoguchi in integrated circuit for putting a title to an acquired image and recording the acquired image with the title, comprising:
a storage unit operable to prestore therein candidates for titles of images (Figs. 3, Golf and Party) and, in correspondence therewith, information concerning time (Fig. 4B, schedule [1], 1, 1993/01/22/08:00-1993/01/22/17/00) and objects of shooting (Fig. 4B, schedule [1], 2, Yoshida, Inoue, Goto; Col. 6, lines 21-37);
a shooting time acquiring unit operable to acquire information of a shooting time of the acquired image (Figs. 6A-6C; Col. 6 line 52- 65);
an object information acquiring unit operable to acquire information (person, place, or other data, Fig. 6C) of an object (image, Fig. 6C) in the acquired image (Col. 7, lines 39-52);
a retrieving unit operable to retrieve a title candidate (Golf or Party) among the prestored title candidates that matches the acquired shooting time information and object information (Col. 6, lines 10-37);

a presentation unit operable to present character sequences containing the retrieved title candidate, for a user to determine a title (Fig. 9C) of the acquired image (Fig. 9D) (Col. 8, lines 30-39); and an image data storage unit operable to store therein a title determined by the user, together with data concerning the acquired image (Fig. 6C and 9D) (Col. 8, lines 6-48).

As to claim 2, Mizoguchi discloses everything claimed as applied in claims 1, 10, 11 and 12 above. In addition Mizoguchi discloses wherein said storage unit prestores therein schedule information indicating scheduled activities of persons (Fig. 4B), together with date/times (Fig. 4B, 1) respectively in correspondence with the scheduled activities (Fig. 4B, 0 and 5), the title candidates are the scheduled activities indicated in the schedule information (Fig. 9C), said retrieving unit detects a person from the object information (person, place, or other data, Col. 8, line 40-48) acquired by said object information acquiring unit (Fig. 9D; Col. 8, lines 40-48, images are searched and displayed), and retrieves a scheduled activity of the detected person from the prestored schedule information (Fig. 9C, Golf), and said presentation unit presents character sequences containing the retrieved scheduled activity (Fig. 9C, Golf).

As to claim 5, Mizoguchi discloses everything claimed as applied in claims 1, 10, 11 and 12 above. In addition Mizoguchi discloses wherein said presentation unit presents a list of title candidates (Fig. 4B) in an order of (i) a title candidate being a scheduled activity that matches the acquired shooting time information (Fig. 4B, 1) and object (Fig. 4B, 2) information and (ii) one or more title candidates corresponding to one or more events in an order of a highest to a lowest correspondence level (Fig. 4B).

As to claim 6, Mizoguchi discloses everything claimed as applied in claims 1, 10, 11 and 12 above. In addition Mizoguchi discloses wherein said presentation unit presents title candidates that contain a name that is extracted from the personal information concerning the object in the acquired image for which said object information acquiring unit has acquired the information(Fig. 4A-4C, Col. 7, lines 10-46).

As to claims 7 and 8, Mizoguchi discloses everything claimed as applied in claims 1, 10, 11 and 12 above. In addition Mizoguchi discloses further comprising: a title determining unit operable to determine the title of the acquired image based on a user input selecting one among the presented character sequences; and an image storage unit operable to store the acquired image and the determined title with indication of a correspondence between thereof (Col. 8, lines 6-48).

As to claim 9, Mizoguchi discloses everything claimed as applied in claims 1, 10, 11 and 12 above. In addition Mizoguchi further comprising a still picture attaching unit operable, if the title determining unit determines one among the character sequences containing the retrieved scheduled activity as the title (Col. 8, lines 6-48), to extract a still picture from the acquired image and attach the extracted still picture to the schedule information in correspondence with the retrieved scheduled activity (Col. 7, lines, 10-46).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,805,215 to Mizoguchi in view of U.S. Patent 6,661,906 B1 to Kawade et al. "Kawade".

As to claim 3, Mizoguchi discloses everything claimed as applied in claims 1, 10, 11 and 12 above. In addition Mizoguchi discloses further comprising a personal information storage unit operable to prestore therein personal information concerning the persons, including indication of sex of the persons (Fig. 4b, 2, Names), wherein some of the title candidates include names of general yearly events (Fig. 4B, 0, Golf or Party), said storage unit prestores names of objects (Fig. 4B, 2, Names) for general yearly events (Fig. 4B, 0, Golf or Party), each piece of the information corresponding to an event name (Fig. 4B, 0, Golf or Party), said retrieving unit detects a person from the object information acquired by said object information acquiring unit, and reads a piece of personal information corresponding to the detected person, from said personal information storage unit, and retrieves an event name that matches the read piece of personal information, and said presentation unit presents character sequences containing the retrieved event name (Fig. 6A-6C, Col. 7, lines 10-46). Mizoguchi does not expressly disclose pre storing information concerning sex and age of objects.

Kawade discloses pre storing information concerning sex and age of objects (Col. 5, lines 42-54).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Mizoguchi with the teachings of Kawade. Motivation to combine would have been to provide comprehensive information for an image.

As to claim 4, Mizoguchi discloses everything claimed as applied in claims 1, 10, 11 and 12 above. Mizoguchi does not expressly disclose wherein said personal information storage unit further prestores therein information concerning age of the persons.

Kawade discloses wherein said personal information storage unit further prestores therein information concerning age of the persons (Col. 5, lines 42-54).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Mizoguchi with the teachings of Kawade. Motivation to combine would have been to provide comprehensive information for an image.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/A. K./
Examiner, Art Unit 2621